

Introduced by Senator Leyva

February 17, 2016

An act to add Sections 18700.1, 18700.2, and 18700.3 to the Health and Safety Code, relating to mobilehome parks, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1106, as introduced, Leyva. Mobilehome parks.

Existing law, known as the Mobilehome Parks Act, generally regulates various classifications of mobilehome and related vehicle parks. The Special Occupancy Parks Act generally regulates special occupancy parks. Both acts impose related duties on the Department of Housing and Community Development and local enforcement agencies. Existing law provides that any person who willfully violates the act, related building standards, or other related rules and regulations adopted by the department is guilty of a misdemeanor, subject to suspension or revocation of permits issued under the act, and liable for a civil penalty for each violation or for each day of a continuing violation. Existing law requires all fees or other moneys accruing to the department to be deposited into the Mobilehome-Manufactured Home Revolving Fund, which is continuously appropriated to the department for carrying out the provisions of the act.

This bill would authorize the Director of Housing and Community Development or a local enforcement agency that has assumed jurisdiction to issue citations that assess additional civil penalties to any owner or operator, or both, of a mobilehome park, special occupancy park, or registered owner of a manufactured home, mobilehome, or recreational vehicle, or other responsible party when he or she has permitted the continuation of a violation for at least 30 days after the

expiration of a notice to correct the violation or violations from the enforcement agency. The bill would prescribe the amounts of those penalties and provide for a hearing on the citations. By increasing revenues deposited into a continuously appropriated fund, this bill would make an appropriation.

The bill would prescribe procedures for petitioning the department to review and investigate the enforcement activities of the local enforcement agency regarding the citation. Any hearing held pursuant to these procedures would not be subject to the Administrative Procedure Act.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 18700.1 is added to the Health and Safety
2 Code, to read:
3 18700.1. (a) In addition to other remedies provided in this
4 part, the Director of Housing and Community Development or his
5 or her designee, or an employee authorized by a local enforcement
6 agency that has assumed jurisdiction pursuant to Section 18300,
7 may issue a citation that assesses a civil penalty to any owner or
8 operator, or both, of a mobilehome park or registered owner of a
9 manufactured home, mobilehome, or recreational vehicle, or other
10 responsible party who violates this part or regulations adopted
11 pursuant to this part, if the owner or operator, or both, or registered
12 owner of a manufactured home, mobilehome, or recreational
13 vehicle, or other responsible party has permitted the continuation
14 of a violation for at least 30 days after the expiration of a notice
15 to correct the violation or violations from the enforcement agency.
16 Each citation and related civil penalty assessment shall be issued
17 no later than seven months after issuance of the notice to correct
18 that is the basis of the citation. The penalties provided for in this
19 section are in addition to the penalties specified in Section 18700.
20 (b) (1) The amount of a civil penalty assessed pursuant to
21 subdivision (a) shall be one hundred dollars (\$100) for each
22 violation that the enforcement agency determines is a hazard
23 constituting an unreasonable risk to life, health, or safety, but shall
24 be increased to two hundred fifty dollars (\$250) for each
25 subsequent violation of the same prohibition for which a citation

1 for the subsequent violation is issued within one year of the citation
2 for the previous violation.

3 (2) The amount of a civil penalty assessed pursuant to
4 subdivision (a) shall be two hundred dollars (\$200) for each
5 violation that the enforcement agency determines is an imminent
6 hazard representing an immediate risk to life, health, and safety
7 and requiring immediate correction, but shall be increased to five
8 hundred dollars (\$500) for each subsequent violation of the same
9 prohibition for which a citation for the subsequent violation is
10 issued within one year of the citation for the previous violation.

11 (3) The civil penalties assessed pursuant to this section shall be
12 payable to the enforcement agency, notwithstanding any other
13 provision of law. Whether or not the violation or violations, if
14 applicable, giving cause for the citation are corrected, payment of
15 the civil penalty shall be remitted to the enforcement agency within
16 45 days of the issuance of the citation.

17 (c) Any person or entity served a citation pursuant to this section
18 may petition the director or his or her designee or the authorized
19 representative of the local enforcement agency, where applicable,
20 to dismiss or modify the citation. The petition shall be a written
21 request briefly stating the grounds for the request. Any petition to
22 be considered shall be received by the department or the local
23 enforcement agency within 30 days of the date of issuance of the
24 citation.

25 (d) (1) Upon receipt of a timely and complying petition, the
26 enforcement agency shall suspend enforcement of the citation and
27 set a time and place for an informal hearing and shall give the
28 recipient of the citation written notice thereof.

29 (2) The hearing shall commence no later than 30 days following
30 receipt of the petition or at another time scheduled by the
31 enforcement agency pursuant to a request by the petitioner or the
32 enforcement agency, if the enforcement agency determines that
33 good and sufficient cause exists.

34 (3) If the petitioner fails to appear at the time and place
35 scheduled for the hearing, the enforcement agency may notify the
36 petitioner in writing that the petition is dismissed and that
37 compliance with the terms of the citation is required within 10
38 days after receipt of the notification.

39 (e) The enforcement agency shall notify the petitioner in writing
40 of its decision and the reasons therefor within 30 days following

1 conclusion of the informal hearing held pursuant to this section.
2 If the enforcement agency upholds the citation, in whole or in part,
3 the petitioner shall comply with the citation in accordance with
4 the decision within 30 days after the decision is mailed by the
5 enforcement agency.

6 SEC. 2. Section 18700.2 is added to the Health and Safety
7 Code, to read:

8 18700.2. (a) A mobilehome park owner or operator, or the
9 registered owner of a manufactured home, mobilehome,
10 recreational vehicle, or other responsible party, who (1) has
11 received a citation with civil penalties issued pursuant to Section
12 18700.1 by an enforcement agency other than the department, and
13 (2) has received a final, formal order from the enforcement agency
14 following an informal hearing on a submitted petition, shall be
15 entitled to petition the department to review and investigate, as
16 necessary, the enforcement activities of the local enforcement
17 agency.

18 (b) The petition shall be in writing and shall include the
19 following:

- 20 (1) A copy of the original notice of violation, and citation.
21 (2) A copy of the enforcement agency's written determination,
22 if an informal hearing was held.
23 (3) A copy of the enforcement agency's final formal order.
24 (4) A clear and concise explanation of the issues that the
25 petitioner continues to dispute.

26 (c) The department shall consider the petition in conjunction
27 with the department's responsibility to monitor local enforcement
28 activity pursuant to Section 18306.

29 (1) Within 60 working days of the receipt of the petition, the
30 department shall review the petition and provide the petitioner
31 with written notice of whether the activities of the local agency
32 require investigation by the department.

33 (2) If the department has determined that the activities of the
34 local agency require investigation by the department, the written
35 notice to the petitioner shall provide a timeframe for the
36 investigation.

37 (3) If the department investigates the enforcement activities of
38 a local agency in response to one or more petitions provided
39 pursuant to subdivision (a), the department shall notify each

1 petitioner within 60 days of the results of the department's
2 investigation.

3 (d) If the department finds that the notice of violation, citation,
4 written determination, or final, formal order issued by the local
5 enforcement agency reflects nonenforcement of the law, the
6 department shall initiate corrective action pursuant to subdivision
7 (d) of Section 18300. This corrective action shall include, but not
8 be limited to, cancellation of the civil citation.

9 SEC. 3. Section 18700.3 is added to the Health and Safety
10 Code, to read:

11 18700.3. Notwithstanding any other provision of law, any
12 hearing held pursuant to Section 18700.1 or 18700.2 shall not be
13 subject to Chapter 4.5 (commencing with Section 11400) of Part
14 1 of Division 3 of Title 2 of the Government Code.

O